HIGH COURT OF UTTARANCHAL AT NAINITAL

Bail Application No. 1020 of 2006

CRIMINAL SIDE

Pawan Sharma @ Sonu s/o Sri Ram Narayan Sharma
R/o Sakhola, P.S. Nuriya, District Pilibhit (U.P.) at present R/o
Hill View In front of ollege, Nababi Road, Haldwani

.....Accused/Applicant

Versus

State of Uttaranchal ..... Opposite Party

Case Crime No. 4825 of 2006
Under Section 18/20 N.D.P.S. Act,
P.S. Haldwani, District Nainital

Dated: 7.12.06

By the Court

Hon'ble Rajesh Tandon J.

Heard Sri Lalit Sharma, Advocate for the applicant and the A.G.A. for the prosecution.

Accused applicant Pawan Sharma has applied for bail in case crime No. 4825 of 2006 under Section 18/20 of N.D.P.S. Act, P.S. Haldwani, District Nainital. According to the prosecution case the applicant was found in possession of about 1 Kg. Charas at Gola Bridge, Vanfulpura, Haldwani.

Counsel for the applicant has submitted that compliance of Section 50 of the N.D.P.S. Act has not been made while recovery and arrest was made. Counsel for the applicant has also submitted that as the charas was not weighed at the spot,

presumption should be drawn in favour of the applicant that the quantity of the recovered charas was less than one kilogram which is not a commercial quantity.

I have considered the respective submissions of the parties. Without expressing anything on the merit of the case and considering the totality of facts and circumstances, in my opinion, it is a fit case for bail.

Let the accused applicant be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Magistrate concerned.

Rajesh Tandon, J.

Dated: 7.12.2006
*Dhyani